

# Order

Michigan Supreme Court  
Lansing, Michigan

May 22, 2019

Bridget M. McCormack,  
Chief Justice

156648

David F. Viviano,  
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 156648  
COA: 336050  
Wayne CC: 04-004270-FC

GREGORY CARL WASHINGTON,  
Defendant-Appellee.

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On October 10, 2018, the Court heard oral argument on the application for leave to appeal the September 12, 2017 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). In lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to that court for reconsideration in light of *Luscombe v Shedd's Food Products Corp*, 212 Mich App 537 (1995).

CLEMENT, J. (*dissenting*).

I respectfully dissent from this Court's order vacating the judgment of the Court of Appeals and remanding for reconsideration in light of *Luscombe v Shedd's Food Prod Corp*, 212 Mich App 537 (1995), because I do not believe that consideration of *Luscombe* is necessary to decide the issues on appeal.

CAVANAGH, J., did not participate in the disposition of this case because the Court considered it before she assumed office.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 22, 2019

Clerk